

## **IN THE CLAIMS**

This listing of claims replaces all prior versions, and listings, in this application.

1. (currently amended) An oxalate deficient Aspergillus [[A.]] niger mutant strain which originated from a wild type strain for the production of an-a-given enzyme, wherein said the oxalate deficient strain produces at least the same amount of said the enzyme as the wild type strain produces-it originates from under the same culture conditions.
2. (currently amended) The [[An]] oxalate deficient A. niger mutant strain according to claim 1, wherein said the oxalate deficient strain produces more of said the enzyme than said the wild type strain produces-it originates from under the same culture conditions.
3. (currently amended) The [[An]] oxalate deficient A. niger mutant strain according to claim 1, wherein said the oxalate deficient strain has an intracellular oxaloacetate hydrolase (OAH) activity, ~~which is between 1% and 25% of the intracellular OAH activity of~~ said the wild type strain ~~it originates from as detected in a model reaction.~~
4. (currently amended) An oxalate deficient Aspergillus [[A.]] niger mutant strain which originated from a wild type strain, characterized in that when said oxalate deficient the strain has been transformed with an expression construct comprising a gene coding for an enzyme, said oxalate deficient strain produces at least the same amount of said the enzyme as said the wild type strain produces-it originates from ~~would produce~~ under the same culture conditions, when said the wild type strain has been transformed with the same expression construct as said the oxalate deficient strain.
5. (currently amended) The [[An]] oxalate deficient A. niger mutant strain according to claim 4, characterized in that said the gene is an heterologous gene.

6. (currently amended) The ~~[[An]]~~ oxalate deficient *A. niger* mutant strain according to claim 1, wherein said oxalate deficient ~~the~~ strain produces at least the same amount of said enzyme as ~~the~~ *A. niger* strain CBS 513.88 produces ~~produced~~ under the same culture conditions, preferably more.

7. (currently amended) The ~~[[An]]~~ oxalate deficient *A. niger* mutant strain according to claim 1, wherein said ~~the~~ enzyme is a fungal alpha amylase.

8. (currently amended) The ~~[[An]]~~ oxalate deficient *A. niger* mutant strain according to claim 7, wherein said ~~the~~ fungal alpha amylase is derived from *A. Aspergillus-oryzae* or *A. niger*.

9. (withdrawn/currently amended) A method for obtaining an oxalate deficient *Aspergillus* ~~[[A.]]~~ *niger* mutant strain from a wild type strain, wherein said oxalate deficient strain is ~~strains which are~~ suitable for producing at least the same amount of an enzyme as said ~~the~~ wild type strain~~[[s]]~~ produces ~~they originate from produce~~ under the same culture conditions~~[[,]]~~; said method comprises ~~the following steps~~:

- a) subjecting an *A. niger* wild type strain ~~is subjected to~~ ultraviolet (UV) irradiation to obtain mutants,
- b) obtaining colonies of mutants which survived UV irradiation in microtiter plate (MTP) culture ~~cultures of surviving colonies obtained in a) are realized under the culture conditions retained in a)~~,
- c) performing a first selection within the MTP cultures ~~is performed~~ in which mutants are selected that produce no more than half the amount of oxalate as said ~~that~~ the wild type strain ~~they originate from~~ produces under the same culture conditions, and
- d) performing a second selection ~~of is performed within the~~ mutants selected ~~obtained in step c)~~ in which mutants are selected that produce at least the amount of said enzyme as said ~~the~~ wild type strain~~[[s]]~~ ~~they originate from~~ produces under the same culture conditions.

10. (withdrawn/currently amended) The [[A]] method according to claim 9, wherein said the method further comprises: ~~an additional step~~

e) performing a third selection of the mutants selected ~~wherein mutant selected in step d) in which mutants are further selected to have an intracellular oxaloacetate hydrolase (OAH) activity, which is between 1% and 25% of the intracellular OAH activity of said the wild type strain it originates from as detected in a model reaction.~~

11. (currently amended) A method of producing ~~an a given~~ enzyme comprising using ~~the an~~ oxalate deficient *A. niger* mutant strain according to claim 1.

12. (new) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said oxalate deficient strain produces more of said enzyme than *A. niger* strain CBS 513.88 produces under the same culture conditions.

13. (new) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said wild type strain produces at least 15 mM under the same culture conditions.

14. (new) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said wild type strain produces at least 30 mM under the same culture conditions.

15. (new) The oxalate deficient *A. niger* mutant strain according to claim 4, wherein said wild type strain produces at least 15 mM under the same culture conditions.

16. (new) The oxalate deficient *A. niger* mutant strain according to claim 4, wherein said wild type strain produces at least 30 mM under the same culture conditions.

17. (new) The method according to claim 9, wherein said wild type strain produces at least 15 mM under the same culture conditions.

18. (new) The method according to claim 9, wherein said wild type strain produces at least 30 mM under the same culture conditions.